

REMARKS

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-9 and 11-18 are pending in this application. The applicants thank the Examiner for the indication of allowable subject matter. In order to expedite prosecution, the applicants have amended the claims in accordance with the Examiner's comments. No new matter has been added by this amendment.

This amendment after final should be entered because it addresses the rejection of claim 8 and objection of claim 7 in a manner consistent with the Examiner's suggestions and places the application in condition for allowance (and at the very least would reduce the number of issues for Appeal). In addition, the applicants have corrected an error in claim 7 which was not addressed in the final rejection.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112.

II. THE 35 U.S.C. 112, 2nd PARAGRAPH REJECTION HAS BEEN OVERCOME

Claims 8 is rejected as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. It is believed that the above amendments to the claims place the application in condition for allowance.

In order to expedite prosecution, the applicants have amended the reference to formula (I) to the formula (Ii) which is more consistent with the nomenclature of claim 7, i.e. the claim upon which claim 8 is dependent upon.

III. THE OBJECTION TO CLAIM 7 HAS BEEN OVERCOME

Claim 7 has been amended as suggested by the Examiner. In reviewing the claims, the applicants discovered an error which was earlier overlooked by both the Examiner and the applicants, i.e. Example 7 of Hajos has an example which corresponds to formula (I) where A-W is -NH-NH-, R² is chloro and X is C-OH (the tautomer of 7-chloro-4,5-dihydro-1-one ketone at col. 7, lines 61-62 of Hajos). Newly added proviso xiii) excludes this tautomer.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: /Howard C. Lee/
Marilyn M. Brogan Howard C. Lee
Reg. No. 31,223 Reg. No. 48,104
Telephone: (212) 588-0800
Facsimile: (212) 588-0500